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8 **BEFORE THE**
CALIFORNIA BOARD OF OCCUPATIONAL THERAPY
9 **DEPARTMENT OF CONSUMER AFFAIRS**
10 **STATE OF CALIFORNIA**

11 In the Matter of the Petition to Revoke
12 Probation Against,

Case No. AL 2002-191

13 **ALVIN VICTOR PRASAD**
14 **6217 Orchard Hill Way**
Elk Grove, California 95757

PETITION TO REVOKE PROBATION

15 **Occupational Therapist License No. OT**
7530

16 Respondent.

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18 Complainant alleges:

19 **PARTIES**

20 1. Heather Martin (Complainant) brings this Petition to Revoke Probation solely in her
21 official capacity as the Executive Officer of the California Board of Occupational Therapy,
22 Department of Consumer Affairs.

23 2. On or about April 5, 2004, the California Board of Occupational Therapy issued
24 Occupational Therapist License Number OT 7530 to Alvin Victor Prasad (Respondent). The
25 Occupational Therapist License was in effect at all times relevant to the charges brought herein
26 and will expire on July 31, 2011, unless renewed.

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3. In the matter entitled "In the Matter of the Petition for Reinstatement of Revoked License filed by Alvin Victor Prasad, Petitioner," the California Board of Occupational Therapy issued a decision, effective September 15, 2007, in which Respondent's Occupational Therapist License was reinstated and immediately revoked. However, the revocation was stayed and Respondent's Occupational Therapist License was placed on probation for a period of five (5) years with certain terms and conditions. A copy of that decision is attached as Exhibit A and is incorporated by reference.

JURISDICTION

4. This Petition to Revoke Probation is brought before the California Board of Occupational Therapy (Board), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

5. Section 2570.26 states:

"(a) The board may, after a hearing, deny, suspend, revoke, or place on probation a license, certificate, inactive license, inactive certificate, or limited permit.

"(b) As used in this chapter, "license" includes a license, certificate, limited permit, or any other authorization to engage in practice regulated by this chapter.

"(c) The proceedings under this section shall be conducted in accordance with Chapter 5 (commencing with Section 11500) of Part of Division 3 of Title 2 of the Government Code, and the board shall have all the powers granted therein.

6. Section 2570.30 of the Code states:

"The board shall retain jurisdiction to proceed with any investigation, action or disciplinary proceeding against a license, or to render a decision suspending or revoking a license, regardless of the expiration, lapse, or suspension of the license by operation of law, by order or decision of the board or a court of law, or by the voluntary surrender of a license by the licensee."

7. Condition 13 of Respondent's probation provides as follows:

“If Petitioner violates probation in any respect, the Board, after giving Petitioner notice and opportunity to be heard, may revoke probation and carry out the disciplinary order which was stayed. If an accusation or a petition to revoke

probation is filed against Petitioner during probation, the Board shall have continuing jurisdiction until the matter is final, and the period of probation shall be extended until the matter is final.”

Respondent's probation is subject to revocation in that Respondent has violated the terms and conditions of probation, as set forth below.

FIRST CAUSE TO REVOKE PROBATION

(Quarterly Reports)

8. At all times after the effective date of Respondent's probation, Condition 2 stated:

Compliance with Probation and Quarterly Reporting: Petitioner shall fully comply with the terms and conditions of probation established by the Board and shall cooperate with representatives of the Board in its monitoring and investigation of the Petitioner's compliance with probation. Petitioner, within 10 days of completion of the quarter, shall submit quarterly written reports to the Board on a Quarterly Report of Compliance form obtained from the Board.

9. Respondent's probation is subject to revocation because he failed to comply with Probation Condition 2, referenced above. The facts and circumstances regarding this violation are that Respondent failed to file quarterly reports as required for the following periods:

October through December, 2009
April through June, 2010
July through September 2010
October through December, 2010
January through March, 2011

SECOND CAUSE TO REVOKE PROBATION

(Quarterly Psychotherapy Reports)

10. At all times after the effective date of Respondent's probation, Condition 11 stated, in pertinent part:

Psychotherapy: Petitioner shall participate in ongoing psychotherapy with a California licensed or legally registered mental health professional approved by the Board. Within 60 days of the date Petitioner is granted a probationary license, Petitioner shall submit to the Board the name of one or more proposed therapists for prior approval. Petitioner shall provide the therapist with a copy of the Board's Disciplinary Order no later than the first counseling session. Counseling shall be at least once every other week unless otherwise determined by the Board. Petitioner shall continue in such therapy at the Board's discretion. Cost of such therapy shall be paid by Petitioner.

Petitioner shall cause the therapist to submit to the Board a written report concerning Petitioner's psychotherapy status and progress as well as such other information as may be requested by the Board. The initial psychotherapy report shall be submitted within 90 days from the effective date of the Decision. Petitioner shall cause the therapist to submit quarterly written reports to the Board concerning Petitioner's fitness to practice, progress in treatment and to provide such other information as may be required by the Board.

10. Respondent's probation is subject to revocation because he failed to comply with Probation Condition 11, referenced above. The facts and circumstances regarding this violation are that Respondent failed to cause the therapist to submit quarterly written psychotherapy reports as required since the initial psychotherapy report was received by the Board on July 17, 2008.

PRA YER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the California Board of Occupational Therapy issue a decision:

1. Revoking the probation that was granted by the California Board of Occupational Therapy in the Decision effective September 15, 2007, and imposing the disciplinary order that was stayed, thereby revoking Occupational Therapist License No. OT 7530 issued to Alvin Victor Prasad; and

2. Taking such other and further action as deemed necessary and proper.

DATED:

HEATHER MARTIN
Executive Officer
California Board of Occupational Therapy
Department of Consumer Affairs
State of California
Complainant

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